



Paper No. 4

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OFFICE OF PETITIONS

In re Application of  
Chotkowsky et al.  
Application No. 09/996,198  
Filed: November 6, 2001  
For: Wireless Device for Broadcast of  
Information and Related Method for use with  
Mobile Wireless Devices

:  
:  
: DECISION GRANTING  
: PETITION

This is a decision on the petition under 37 CFR 1.10(d) filed January 24, 2002, requesting that the above-identified application be accorded a filing date of November 6, 2001, rather than the presently accorded filing date of November 27, 2001.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on November 6, 2001, pursuant to the requirements of 37 CFR 1.10. In support of the showing that the application is entitled to a filing date of November 6, 2001, petitioner has submitted a copy of an "Express Mail" tracking record bearing "Express Mail" label no. EL768468484US and indicating that the correspondence was accepted in the United States Postal Service on November 6, 2001. However, the date listed in the "date-in" box appearing in the copy of the "Express Mail" label located within the application filewrapper is either omitted or illegible.

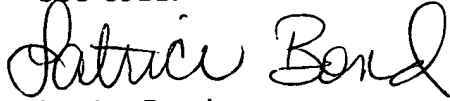
The rule specifically requires that the "date-in" must state the date of actual deposit. Placing the "Date-In" on the "Express Mail" label by the postal clerk establishes that the package was actually received by the Postal Service. That is the date that verifies that the package was actually mailed. Therefore, since the full date of deposit is either missing or illegible in the "date-in" box on the Express Mail label, the copy of the Express Mail label cannot be accepted as evidence in support of the petition. However, the USPS tracking record submitted with the petition shows that the correspondence was deposited with the U.S. Postal Service as Express Mail on November 6, 2001 at 5:03 pm.

In view of the above, the petition meets the requirements of rule 37 CFR 1.10.

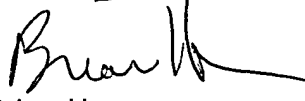
The petition is **granted**.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 6, 2001.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.



Latrice Bond  
Paralegal Specialist  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

attachment: Corrected Filing Receipt